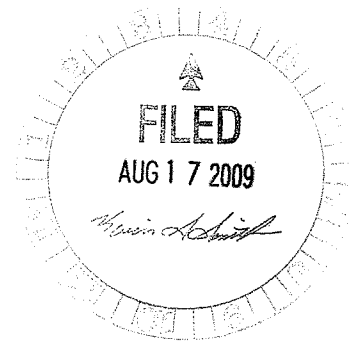


**In the  
Indiana Supreme Court**



IN THE MATTER OF THE  
APPROVAL OF LOCAL RULES  
FOR ST. JOSEPH COUNTY

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Case No. 71S00-0908-MS- **372**

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the St. Joseph Circuit and Probate Courts, and the Chief Judge of the St. Joseph Superior Court request the approval of an amended local rule for court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order is the proposed amended local rule.


Upon examination of the proposed rule amendment requested by the St. Joseph Circuit and Probate Courts, and the Chief Judge of the St. Joseph Superior Court, this Court finds that the proposed rule amendment, LR71-AR15 Rule 111 complies with the requirements of Ind. Administrative Rule 15, and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website at least thirty (30) days prior to taking effect on January 1, 2010.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR71-AR15 Rule 111 for St. Joseph County Courts, set forth as an attachment to this Order, is approved effective January 1, 2010. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Michael G. Gotsch, St. Joseph Circuit Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. Michael Scopelitis, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. Peter J. Nemeth, St. Joseph Probate Court, 1000 South Michigan Street, South Bend, IN 46601-3426; the Hon. Roland W. Chamblee, Jr., St. Joseph Superior Court, 101 South Main Street, #140, South Bend, IN 46601-1807; the Hon. David C. Chapleau, St. Joseph

Superior Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. J. Jerome Frese, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. Jenny Pitts Manier, St. Joseph Superior Court, 219 Lincolnway West, Mishawaka, IN 46544; the Hon. John M. Marnocha, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. Jane Woodward Miller, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807; the Hon. Margot Fisher Reagan, St. Joseph Superior Court, 101 South Main Street, South Bend, IN 46601-1807; and to the Clerk of the St. Joseph Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the St. Joseph Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website at least thirty (30) days prior to January 1, 2010.

DONE at Indianapolis, Indiana, this 17<sup>th</sup> day of August, 2009.

  
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Randall T. Shepard  
Chief Justice of Indiana

## **Rule LR71-AR15-111. Court Reporter Services**

### **111.1. Definitions.**

**111.1.1. Court Reporter.** A Court Reporter is a person who is specifically designated by a Court to perform the official court reporting services for the Court including preparing a transcript of the record.

**111.1.2. Equipment.** Equipment means all physical items owned by the Court or other governmental entity and used by a court in performing court reporter services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording, storing, and transcribing electronic data.

**111.1.3. Work Space.** Work space means that portion of the Court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

**111.1.4. Page.** Page means the page unit of transcript that results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

**111.1.5. Recording.** Recording means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.

**111.1.6. Regular Hours Worked.** Regular hours worked means those hours during which the Court is regularly scheduled to work during any given workweek. Depending on the particular Court, these hours may vary from court to court within the County but remain the same for each workweek.

**111.1.7. Gap Hours Worked.** Gap hours worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per workweek.

**111.1.8. Overtime Hours Worked.** Overtime hours worked means those hours worked in excess of forty (40) hours per workweek.

**111.1.9. Workweek.** Workweek means a five (5) consecutive day week that consistently begins on Monday and ends on Friday.

**111.1.10. Court.** Court means the particular court for which the court reporter performs services.

**111.1.11. County Indigent Transcript.** County indigent transcript means a transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

**111.1.12. State Indigent Transcript.** State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

**111.1.13. Private Transcript.** Private transcript means a transcript, including but not limited to, a deposition transcript that is paid for by a private party.

## **111.2. Salaries and Per-Page Fees.**

**111.2.1. Annual Salary.** A court reporter shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the Court during any regular work hours, gap hours, or overtime hours.

**111.2.2. Non-expedited County Indigent Transcript.** The per page fee for one original and one additional copy of a non-expedited county indigent transcript preparation shall be \$3.00 plus a fee of \$10 per 100 pages containing marginal or header notations (e.g. \$10 per 100 pages, \$20 per 200 pages), which fee will be subject to review at a time that rates for federal reporters are increased. Re-orders of an existing transcript shall be one-half price (e.g. \$1.50 per page, with a cost of \$5 per 100 pages containing marginal or header notations).

**111.2.3. Claim for Preparation.** The court reporter shall submit directly to the County a claim for the preparation of a county indigent transcript.

**111.2.4.        *Non-expedited State Indigent Transcript.*** The maximum per page fee that a court reporter may charge for one original and one additional copy of a non-expedited state indigent transcript shall be \$3.00 plus a fee of \$10 per 100 pages containing marginal or header notations (e.g. \$10 per 100 pages, \$20 per 200 pages), subject to review at a time that rates for federal reporters are increased. Re-orders of an existing transcript shall be one-half price (e.g. \$1.50 per page, with a cost of \$5 per 100 pages containing marginal or header notations).

**111.2.5.        *Non-expedited Private Transcript.*** The maximum per page fee that a court reporter may charge for one original and one additional copy of a non-expedited private transcript shall be \$3.00 plus a fee of \$10 per 100 pages containing marginal or header notations (e.g. \$10 per 100 pages, \$20 per 200 pages), which fee will be subject to review at a time that rates for federal reporters are increased. \_Re-orders of an existing transcript shall be one-half price (e.g. \$1.50 per page, with a cost of \$5 per 100 pages containing marginal or header notations)

**111.2.6.        **Expedited Transcript.**** The maximum per page fee that a court reporter may charge for an expedited transcript shall be as follows, subject to review at a time that rates for federal reporters are increased:

(1) Overnight: \$6.00 per page;

(2) Within three (3) working days: \$4.50 per page.

**111.2.7.        **Reporting of Transcript Fees.**** Each court reporter shall report at least on an annual basis to the Indiana Supreme Court, Division of State Court Administration, on forms prescribed by the Division, all transcript fees (either county indigent, state indigent, or private) received by the court reporter.

**111.3. Private Practice.** If a court reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript and desires to utilize the Court's equipment and work space, and the Court agrees to use of the Court equipment and work space for such purpose, the Court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

- (1) The court reporter shall at his or her own expense supply paper and covers for the preparation of such deposition transcript;
- (2) The reasonable market rate for the use of equipment, work space, and supplies and the method by which the court reporter is to reimburse the court for the use of said equipment, work space, and supplies;
- (3) That if a court reporter elects to engage in private practice through recording of a deposition and/or the preparing of a deposition transcript, that such private practice shall be conducted outside of regular working hours, unless the time is considered as compensatory time off from regular work hours;
- (4) That the court reporter is to be compensated for gap and overtime hours by compensatory time off regular work hours only when the judge to whom the court reporter is assigned is not performing duties requiring the court reporter's presence;
- (5) It shall be the responsibility of the court reporter to keep accurate time records of regular work hours, gap, and overtime hours to justify their compensatory hours. Hours spent in transcript preparation are not to be counted toward regular hours worked;
- (6) Guilty plea and sentencing hearings shall be reported by computer-aided transcription (CAT) and preserved in accordance with the criminal rules for record retention.